

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1810.* Saint John, NB: Jacob Mott, Printer to the King's Most Excellent Majesty, 1810.

50 George III – Chapter 16

**An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John. Passed the 14th of March, 1810.**

Whereas the Mayor, Aldermen, and Commonalty of the City of Saint John, by the Charter of the said City, ratified by an Act of the General Assembly, are authorised and empowered “to make, lay out, alter, amend, and repair the Streets, Highways and Bridges in and throughout the said City and the vicinity thereof, and also beyond the limits of the said City, or either side thereof, throughout the County of Saint John:” And by the same Charter “the Citizens of the said City during the time of their being inhabitants thereof, are not liable to perform any duty without the limits of the said City, except for the laying out Roads and Highways in other parts of the said City and County, and the working, clearing, amending, and repairing the same.” And whereas it is just, equitable, and expedient that the Freemen and inhabitants of the said City, should do, and perform an equal number of days work as the other inhabitants of the Province, for the purpose of completing and amending the public Roads, and Bridges. And whereas it is necessary for the more perfect discharge of the duties imposed upon, and the execution of the powers vested in the said Mayor, Aldermen, and Commonalty, as aforesaid, that they should be enabled to call forth the labour of the inhabitants and residents of the several Towns and Parishes in the said County, as well as of the freemen, inhabitants, and residents of the said City: And whereas doubts have prevailed as to the powers and duties of the said Mayor, Aldermen, and Commonalty, in the making, laying out, clearing, and amending the Highways and Bridges, in and throughout the said County of Saint John.

I. Be it therefore declared and enacted by the President, Council and Assembly, That it was, and is the duty of the said Mayor, Aldermen, and Commonalty, not only to establish, appoint, order and direct the making and laying out of all other Streets, Highways, and Bridges, not made and laid out at the time granting the said Charter, but also to alter, amend, and repair all such Streets, Highways, and Bridges before that time made, laid out, or used, or since that time made, laid out, or used, hereafter to be made, laid out, or used not only in and throughout the said City, and the vicinity thereof, but also beyond the limits of the said City, or either side thereof, throughout the said County of Saint John.

II. And be it further enacted, That the inhabitants and residents of the said City and County, shall be, and they are made liable, to do and perform an equal number of days labour, in the clearing, maintaining, and repairing of the Roads, Highways, Streets, and Bridges, in and throughout the said City as other inhabitants and residents in the Province, by Law are liable to in their respective Parishes, and be subject to same fines and penalties, and to the payment of like sums of money, neglect of duty, to be recovered if within the said City, in the, City Court thereof, otherwise before any one of his Majesty's Justices of the Peace, of the said City and County at the suit of the

Surveyors of the respective districts by action of debt, with costs of suit as is established by Law for the recovery of small debts.

III. And be it further enacted, That all the Roads, Streets, Roads, and Highways heretofore, laid out, and which are now used as such, and also all public bridges heretofore built, and now used as such, shall be, and the same are hereby deemed and established to be the public Roads, Highways, Streets, and Bridges of the said City and County; and shall continue so to be, until the same shall be altered by the Mayor, Aldermen, and Commonalty of the said City.

IV. And be it further enacted, That the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, are hereby authorised and required on the third Tuesday in March (or within the next four successive days) in each and every year to appoint by Warrants under the Common Seal of said City, a competent number of fit persons, to be Surveyors of the Highways for the said City and County; assigning to each of the said Surveyors in such warrant, the limits of the district within and over which he shall exercise the duties and powers incident to his office, both with respect to the times and places where the work is to be performed, and the persons to be summoned to perform such work: and in case of the refusal of any such person to accept of such office, or in case of any vacancy by death, or removal, or other incapacity of any Surveyor, to perform the duties of his office, the said Mayor, Aldermen, and Commonalty, are authorised and required in like manner to appoint another in his place.

V. And be it further enacted, That it shall be the duty of the Common Clerk of the said City, immediately after the making of any appointment as aforesaid, to deliver or transmit, to the said several Surveyors so appointed, their warrants of appointment: and that each and every person so appointed, shall within fourteen days after receiving the same warrant, be duly sworn to performance of the duties of his Office, before the Mayor, Recorder, or either of the Aldermen of the said City, or either of His Majesty's Justices of the Peace, for the said City and County, which oath they are hereby severally authorised and required to administer; and to indorse a Certificate thereof, upon each of the said warrants of appointment.

VI. And be it further enacted, That each and every person so to be appointed, who shall neglect or refuse to accept of the office of Surveyor as aforesaid, and to take the oath herein before required, within the time limited as aforesaid; or shall neglect or refuse to do and perform any of the duties herein required of him, shall for each and every offence, forfeit and pay the sum of three pounds, to be recovered before any one of His Majesty's Justices of the Peace, as aforesaid, upon the oath of one or more credible witness or witnesses, and levied with costs of prosecution by warrant of distress and sale of the Goods and Chattels of the persons so offending, and when recovered, to be paid into the hands of the Chamberlain of the said City, to be laid out on the Highways, Streets, and Bridges, within the said City and County.

VII. And be it further enacted, That it shall be the duty of the several Surveyors of Highways, within the said City and County, on or before the first day of May, in each and every year to make out and transmit to the Chamberlain of the said City, lists of all persons within their respective districts, who are by Law liable to work upon the Highways, Streets, and Bridges, specifying the

number of days each person is bound to work, and to add thereto from time to time, the names of any persons who may afterwards come to reside within the same: and to summon the said persons to work, and to superintend them, and to summon their Teams to work when necessary, in any part of their respective districts, at their discretion in the same manner as is provided in the Laws for regulating and repairing Highways, and Bridges in other parts of the Province, and to receive such sums of Money as shall be paid in lieu of labour, at the rate established by such Laws, and to recover and collect from all delinquents, the fines incurred by them for neglecting or refusing to work when called upon as aforesaid; and by the first day of December in each and every year, or sooner if thereunto required by the said Mayor, Aldermen, and Commonalty, to render accounts of all sums so received and collected by them respectively, (stating from whom received) to the Chamberlain of the said City, and at the same time render accounts, with vouchers of all monies which they may respectively have expended by order of the said Mayor, Aldermen, and Commonalty, upon the said Highways, Streets, and Bridges: and at the same time, or before if required, pay to the said Chamberlain any monies remaining in their hands.

VIII. Provided always, and be it further enacted, That whenever the said Mayor, Aldermen, and Commonalty, shall direct any Surveyor to work in a particular part of, or any particular place or bridge within his district, or to take any number of persons belonging to his district, out of such district, into the next adjacent district, it shall be the further duty of the said Surveyor to attend to the same, and to perform such duty so required of him.

IX. And be it further enacted, That the said Chamberlain of the said City, shall keep an account of the monies, received by virtue of this Act, separate and distinct from the accounts of other funds in his hands, and obey all orders of the Common Council of the said City, for the expenditure of the monies so receive, and on or before the first day March, in each and every year, shall make out an account, with vouchers of all monies received and paid by him as aforesaid, and lodge the same with the Clerk of the Peace of the said City and County, together with the lists, and accounts, which he may have received from the Surveyors of Highways as aforesaid, to be laid before the General Quarter Sessions of the Peace, for the said City and County.

X. Provided always, and be it further enacted, That nothing herein contained, shall be construed to abridge the powers of the said Mayor, Aldermen, and Commonalty, to make any Laws or Ordinances, for the regulation or any of the Streets, Highways, Roads, Lanes, Alleys, Bridges, Slips, Piers, and Wharves, within the limits of the said City, in manner as heretofore accustomed, so as the same Laws and Ordinances shall not be repugnant to this Act, any thing herein contained to the contrary thereof notwithstanding.

XI. And be it further enacted, That this Act shall be, and continue in force for the term of four years, and no longer.